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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,644	04/19/2001	Takeo Inagaki	450100-03172	9209

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FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

CHANG, KENT WU

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/838,644

Applicant(s)

INAGAKI ET AL.

Examiner

Kent Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunton et al (US Patent No. 6,690,357) in view of Linnett et al (US Patent No. 6,388,665).

Dunton teaches an information processing apparatus for performing a predetermined process in response to an inputted command, comprising: movement direction recognizing means for, based on an image obtained by photographing a recognition subject by image pickup means, recognizing a movement direction of said recognition subject and generating said command

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corresponding to the movement direction of said recognition subject recognized (see column 3 line 48 to column 5 line 29). Dunton is silent in displaying a help message in guiding the user to perform the inputting operation.

However, Linnett teaches a display system having user data inputting and displaying a personal character, such as an animated guide, for guiding the user to perform tasks (see column 5 lines 21-37, column 6 lines 41-52, column 7 lines 30-40). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to display a personal character, such as an animated guide, as taught by Linnett in the device of Dunton so as to guide the user to perform tasks as suggested by Linnett. Furthermore, it would have been obvious for one of ordinary skill in the art at the time of the invention to any type of animated images, including a graphical representation (such as alternately displays a plurality of marks in different color of a predetermined shape sequentially arranged in a predetermined direction, in said direction and in a reverse direction thereof in order as recited in claims 2, 6, 7, or a predetermined recognizable movement direction image picture as recited in claim 5) for a standby state before the control means sense the input direction, in guiding the user since it merely depends on the application being used and the tasks that the user is performing.

4. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunton et al (US Patent No. 6,690,357) in view of Becker et al (US Patent No. 6,392,675).

Dunton teaches an information processing apparatus and the method for performing a predetermined process in response to an inputted command, comprising: movement direction recognizing means for, based on an image obtained by photographing a recognition subject by image pickup means, recognizing a movement direction of said recognition subject and generating said command corresponding to the movement direction of said recognition subject recognized (see column 3 line 48 to column 5 line 29). Dunton is silent in displaying the moving pointer with a trail.

However, Becker teaches to display a moving pointer with a visual trail so that the pointer does not disappear during rapid movement (Fig.4). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to display a moving pointer with a visual trail as taught by Becker in the device of Dunton so that the pointer does not disappear during rapid movement. Since the movement of the user in the device of Dunton is for controlling the movement of pointer, thus the control means for generating a recognizing process image representing a trail of the movement direction of the pointer is the same as the trail of the movement direction of the recognition subject (the user) recognized by said movement direction recognizing means.

As to claim 11, the device of Dunton as modified alternately displays, as said recognizing process image, a plurality of marks of a predetermined shape (pointer) sequentially arranged in the movement direction of said recognition subject, in said movement direction in order.

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### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kang (US Patent No. 6,009,210); Levine et al (US Patent No. 5,214,414); Obata et al (US Patent No. 5,018,082); Anderson (US Patent No. 6,222,538); Moe (US Patent No. 6,388,181).

### **CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Chang whose telephone number is 703-305-4824. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached at 703-305-4938.

### **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

### **or faxed to:**

**703-872-9306**

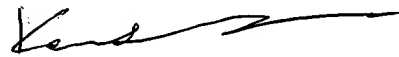
Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kent Chang  
Primary Examiner  
Art Unit 2673

kc

12/5/04